

On May 29, 2008, the Court issued an Order to Show Cause Re: Dismissal because Plaintiff had failed to serve Defendant within the time period required by Rule 4(m) of the Federal Rules of Civil Procedure. (See Docket Item No. 5.) Plaintiff was required to submit a written certification explaining his failure to serve and to appear before the Court on June 16, 2008. (Id.)

20 Plaintiff has complied with the Order by submitting a written certification. (See Docket Item
21 No. 7.) Plaintiff states that he has not completed service of process because he has been unable to
22 locate Defendant. (*Id.*) Plaintiff requests an additional forty-five days to locate and serve
23 Defendant. (*Id.*)

24 In light of the certification, the Court VACATES the June 16, 2008 hearing and orders as
25 follows:

2. The parties shall appear for a Case Management Conference on **September 15, 2008 at 10 a.m.** Pursuant to the Civil Local Rules, the parties shall meet and confer and submit a joint case management conference statement by **September 5, 2008**.

Failure to comply with any part of this Order will be deemed sufficient grounds to dismiss this action.

Dated: June 12 2008

JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Adam Wang waqw@sbcglobal.net

3 **Dated: June 12, 2008**

4 **Richard W. Wieking, Clerk**

5 **By: /s/ JW Chambers**

6 **Elizabeth Garcia
Courtroom Deputy**